

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

No. 6:24-cv-00430

**Johnifer Ray Mumphrey,**  
*Plaintiff,*

v.

**Sheriff Maxey Cerliano,**  
*Defendant.*

**ORDER**

Plaintiff Johnifer Ray Mumphrey, a prisoner confined within the Texas Department of Criminal Justice proceeding pro se and *in forma pauperis*, filed this civil-rights proceeding pursuant to 42 U.S.C. § 1983. The case was referred to a magistrate judge. Doc. 3.

On March 7, 2025, the magistrate judge issued a report and recommendation that plaintiff's lawsuit be dismissed with prejudice until the *Heck* conditions are met. Doc. 17. Plaintiff filed timely objections. Doc. 19. He contends that *Heck* is inapplicable because he is not challenging his conviction; rather, he insists that his rights were violated because of a "defective complaint" and arrest warrant. Doc. 19 at 3. Plaintiff attached the purportedly defective arrest warrant from his burglary conviction.


When timely objections to a magistrate judge's report and recommendation are filed, the court reviews them de novo. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). However, plaintiff's objections only confirm the accuracy of the magistrate judge's report.

By maintaining that the arrest warrant and criminal complaint related to his burglary conviction are fatally defective, plaintiff is necessarily challenging that conviction. His claims, if proven, would imply the invalidity of the conviction for which he is currently imprisoned. His lawsuit is therefore barred by the *Heck* doctrine. *See Heck v. Humphrey*, 512 U.S. 477 (1994); *see also Ballard*

*v. Burton*, 444 F.3d 391, 397 (5th Cir. 2006) (“If a judgment in the plaintiff’s favor would necessarily imply that his conviction is invalid, then the § 1983 action is not cognizable unless the conviction were reversed on direct appeal, expunged, declared invalid or otherwise called into question in a habeas proceeding.”). Plaintiff identifies no error in the magistrate judge’s report.

Accordingly, the court overrules plaintiff’s objections, accepts the magistrate judge’s report (Doc. 17), and dismisses this proceeding with prejudice until the *Heck* conditions are met. Any pending motions are denied as moot.

*So ordered by the court on June 24, 2025.*

  
\_\_\_\_\_  
J. CAMPBELL BARKER  
United States District Judge